

ORDINANCE NO. 2003-

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, PROVIDING FOR A MORATORIUM ON DEVELOPMENT PERMITS FOR ALL LANDS ZONED FOR COMMERCIAL OR OFFICE USES ALONG THE CRANDON BOULEVARD CORRIDOR AS DEPICTED ON ATTACHED EXHIBIT A; PROVIDING FOR A VESTED RIGHTS PROCEDURE RELATED TO THE MORATORIUM; PROVIDING FOR EXCEPTIONS; PROVIDING FOR EXCLUSION FROM THE CODE OF KEY BISCAYNE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council finds that it is appropriate and reasonable to place a temporary moratorium on the issuance of development permits for all lands zoned for commercial or office uses along the Crandon Boulevard Corridor, as depicted on Exhibit A attached hereto, pending the completion of a study to determine whether changes to the Village Zoning and Land Development Regulations affecting such lands along the Crandon Boulevard Corridor may be appropriate or necessary; and

WHEREAS, the Local Planning Agency at a duly called public meeting has heard and recommended the adoption of this Ordinance as consistent with the Village Comprehensive Plan; and

WHEREAS, this proposed Ordinance has been properly noticed and heard in conformance with Section 166.041, Florida Statutes and in conformance with the Village Zoning and Land Development Regulations; and

WHEREAS, the Village Council finds that this Ordinance will promote the health, safety and welfare of the citizens of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE

VILLAGE OF KEY BISCAIYNE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That each of the above stated recitals is hereby adopted and confirmed.

Section 2. **Moratorium Imposed.** There is hereby enacted a temporary moratorium on development permits, as defined by Section 30-11 of the Village Zoning and Land Development Regulations, on all lands zoned for commercial or office uses along the Crandon Boulevard Corridor. The moratorium shall be in effect for ninety (90) days from the effective date of this Ordinance, or as may be extended by an amendment to this Ordinance.

Section 3. **Vested Rights Procedure.**

(a) Nothing in this Ordinance shall be construed or applied to abrogate the right of a property owner seeking development permit where the property owner can demonstrate each of the following:

1. Relying in good faith;
2. Upon some act or omission of the Village;
3. The property owner made a substantial change in position or incurred such extensive obligations that it would be highly inequitable to deny the property owner the right to have an application for development permit considered under the Village Zoning and Land Development Regulations.

(b) Any property owner claiming an exemption under this Section 3 must file an application for a Vested Rights Determination with the Village Building, Zoning and Planning Department (the "Department") within fourteen (14) days of the effective date of this Ordinance. The application shall be accompanied by a fee of \$500.00 and contain a sworn statement as to the

basis upon which the Vested Rights are asserted, and any other documentary evidence supporting the claim. The Village Council shall hold a quasi-judicial public hearing to evaluate the application and make a determination based upon the evidence submitted as to whether the property owner has met the standards set forth in this Section 3. The Village Council may grant, grant with conditions or deny the application.

Section 4. **Exemptions.** An application for a permit that does not change a use or expand the area of an existing building and to allow maintenance, repair, renovation, or to construct interior build out shall be exempt from this ordinance.

Section 5. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. **Exclusion from the Code.** It is the intention of the Village Council, and it is hereby ordained, that the provisions of this Ordinance shall be excluded from the Code of Key Biscayne, Florida.

Section 7. **Effective date.** This Ordinance shall be effective upon adoption on second reading.

PASSED AND ADOPTED on first reading this ____ day of November, 2003.

PASSED AND ADOPTED on second reading this ____ day of December, 2003.

MAYOR ROBERT OLDAKOWSKI

ATTEST:

CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

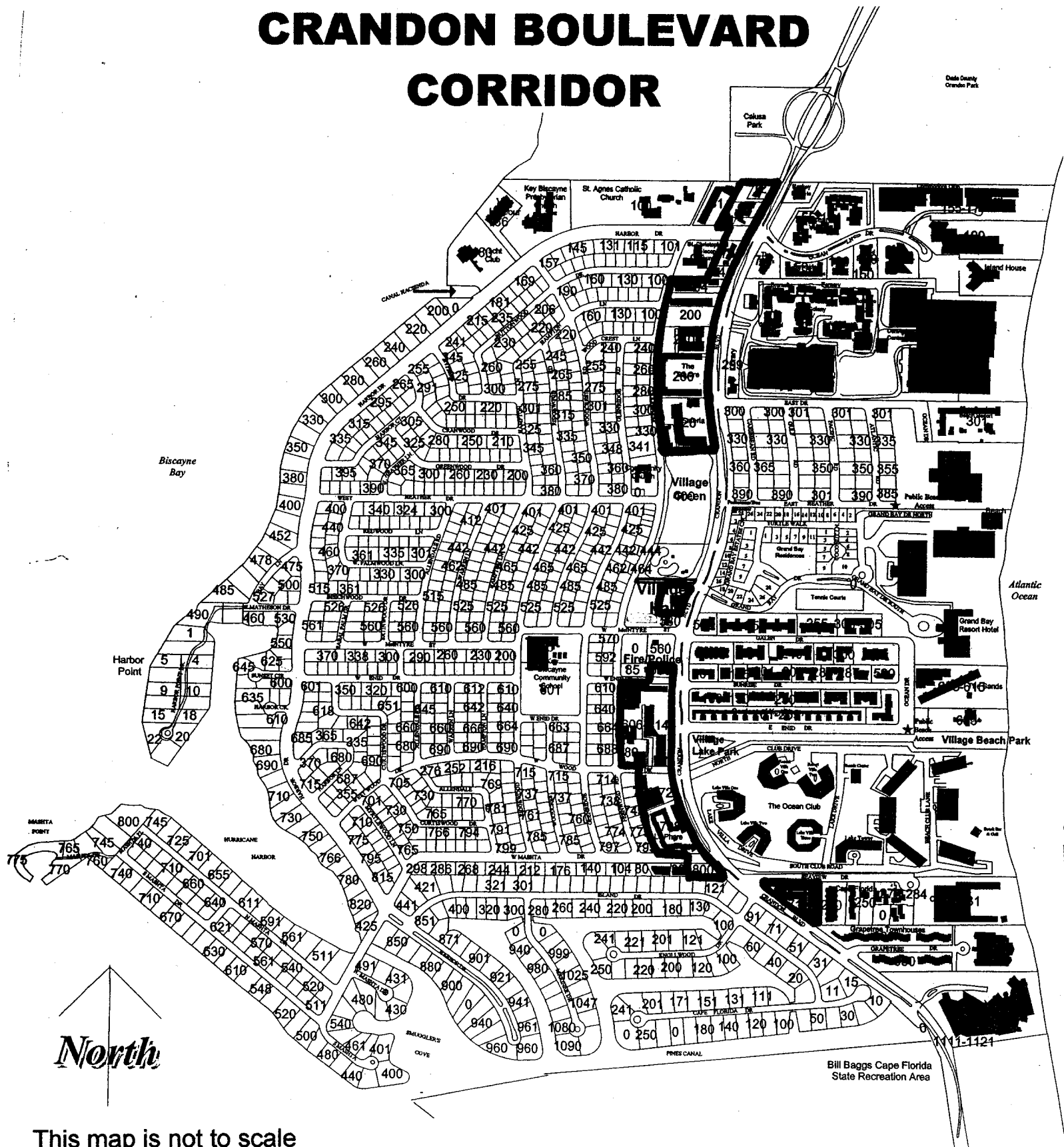
APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

VILLAGE ATTORNEY

F:/103.001/Ordinances/Moratorium re Crandon Blvd.10.31.03v4

EXHIBIT "A"

CRANDON BOULEVARD CORRIDOR



This map is not to scale

Map prepared by the Key Biscayne Building,
Zoning, & Planning Department 11/4/03